

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CREE, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:10-cv-00866-PSD
	§	
SEMILEDS CORPORATION, HELIOS	§	REDACTED
CREW CORP., and SEMILEDS	§	
OPTOELECTRONICS CO., LTD.	§	PUBLIC VERSION
	§	
Defendants.	§	
	§	

**DECLARATION OF RYANN M. MUIR SUPPORTING PLAINTIFF'S OPENING
BRIEF IN SUPPORT OF ITS RENEWED MOTION TO DISMISS DEFENDANTS'
INEQUITABLE CONDUCT COUNTERCLAIM AND AFFIRMATIVE DEFENSE**

I, Ryann M. Muir, declare and state as follows:

1. I am an attorney with the law firm of Wilmer, Cutler, Pickering, Hale and Dorr, LLP, counsel to Plaintiff, Cree Inc. ("Cree"). I am admitted *pro hac vice* in this case. I make the following statements supporting Plaintiff's Opening Brief in Support of Its Renewed Motion to Dismiss Defendants' Inequitable Conduct Counterclaim and Affirmative Defense. These statements are based on my personal knowledge and based on my review of information and documents assembled during the course of litigation.

2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 7,737,459 entitled High Output Group III Nitride Light Emitting Diodes;

3. Attached hereto as Exhibit 2 is a true and correct copy of certain pages from the Manual of Patent Examining Procedure, Original Eighth Edition, August 2001, Latest Revision, July, 2010;

4. Attached hereto as Exhibit 3 is a true and correct copy of *EBay Inc. v. IDT Corp.*, No. 08-cv-4015, 2009 WL 2706395 (W.D. Ark. Aug. 24, 2009);

5. Attached hereto as Exhibit 4 is a true and correct copy of *Sprint Commc 'ns Co. v. Nuvox Commc 'ns, Inc.*, No. 08-2047, 2009 WL 86565 (D. Kan. Jan. 12, 2009);

6. Attached hereto as Exhibit 5 is a true and correct copy of *Bone Care Int'l LLC v. Pentech Pharm., Inc.*, No. 08-cv-1083, 2010 WL 4102264 (N.D.Ill. Oct. 6, 2010);

7. Attached hereto as Exhibit 6 is a true and correct copy of the U. S. Patent Application for U.S. Patent No. 7,737,459 entitled High Output Group III Nitride Light Emitting Diodes;

8. Attached hereto as Exhibit 7 is a true and correct copy of certain pages from the transcript of the August 24, 2011 deposition of Philip Summa;

I declare under the penalty of perjury that the foregoing is true and correct. Executed on January 17, 2011.

By: _____
Ryan M. Muir

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2012, I caused to be served by electronic mail copies of the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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